

Order Reopening Case; Denying Mot. for EOT; Setting Briefing Schedule
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1 this order is filed, an answer conforming in all respects to Rule 5 of the Rules Governing Section
2 2254 Cases, showing cause why a writ of habeas corpus should not be granted. Respondent shall
3 file with the answer and serve on petitioner a copy of all portions of the underlying state criminal
4 record that have been transcribed previously and that are relevant to a determination of the issues
5 presented by the petition. If petitioner wishes to respond to the answer, he shall do so by filing a
6 traverse with the court and serving it on respondent within **thirty days** of the date the answer is
7 filed.

8 Respondent may file a motion to dismiss on procedural grounds in lieu of an answer, as
9 set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases
10 within **sixty days** of the date this order is filed. If respondent files such a motion, petitioner shall
11 file with the court and serve on respondent an opposition or statement of non-opposition within
12 **twenty-eight days** of the date the motion is filed, and respondent shall file with the court and
13 serve on petitioner a reply within **fourteen days** of the date any opposition is filed.

14 It is petitioner's responsibility to prosecute this case. Petitioner is reminded that all
15 communications with the court must be served on respondent by mailing a true copy of the
16 document to respondent's counsel. Petitioner must keep the court and all parties informed of any
17 change of address by filing a separate paper captioned "Notice of Change of Address." He must
18 comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal
19 of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

20 This order terminates docket number 11.

21 IT IS SO ORDERED.

22 DATED: 9/10/13


LUCY H. KOH
United States District Judge